

4000. Misbranding of "Radam's Microbe Killer." U. S. * * * v. 5 Cases of "Radam's Microbe Killer." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6359. I. S. Nos. 17497-k, 17498-k. S. No. W-36)

On March 6, 1915, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases, each containing 12 bottles of "Radam's Microbe Killer," remaining unsold in the original unbroken packages at Seattle, Wash., alleging that the product had been shipped on or about March 3, 1915, and transported from the State of California into the State of Washington and charging misbranding in violation of the Food and Drugs Act, as amended. Two of the cases were labeled: "Glass, this side up with care, Sam Park, Seattle, Washn, Wm. Radams Microbe Killer manufactured San Francisco, Calif. Three." Three of the cases were labeled: "Glass, this side up with care, Sam Park, Seattle, Washn, Wm. Radams Microbe Killer manufactured San Francisco, Calif. Two". Bottles in the case bearing the word "Three," were labeled: "William Radams Microbe Killer Three, a blood purifier antiseptic and tonic. Directions. Number one for headache, neuralgia, croup, mumps, measles, whooping cough, tonsilitis, throat complaints, dyspepsia, indigestion, gastritis and other stomach complaints, also for asthma, bronchitis and consumption; number two for colds, cough, malaria, grippe, catarrh, rheumatism, tumors, cancer and other blood and chronic diseases; number three being very strong should be used only for very stubborn cases where number two after a fair trial fails to bring improvement. Book tells all mailed free. The great home remedy for young and old. Learn the reason why we get sick, how we can get well and keep well. Read the book mailed free until you fully understand it Sworn testimony in New York Supreme Court shows that this remedy was used with good results in every instance. It is unequalled as a digestive and for throat and stomach troubles. Try it and be convinced. Write for circular for men's or women's special diseases. Beware of imitations. Wm. Radam Laboratory No. 10 San Francisco, Cal." The bottles in the cases bearing the word "Two" contained a statement or label identical with that on the bottles in the cases marked "Three," with the exception that the word "Two" appeared on said labels in each instance instead of the word "Three".

Misbranding of the product was alleged in the libel for the reason that the aforesaid statements regarding said microbe killer, appearing on the shipping cases, or as labels on the unit bottles or packages, were false, fraudulent, and misleading in that they purported to show that said microbe killer would cure said diseases, whereas, in truth and in fact, said statements and each and every [one] of them were false, fraudulent and misleading and it was alleged that said drug would not cure said diseases or any diseases at all.

On April 12, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 19, 1915.*